

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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|--|----------|------------------------------|
| <b>PATRICIA KAMMEYER, et al.</b>         | <b>:</b> | <b>CASE NO.: C-1-01-649</b>  |
| <b>Plaintiffs,</b>                       | <b>:</b> | <b>Judge Spiegel</b>         |
| <b>vs.</b>                               | <b>:</b> | <b>(Magistrate Perelman)</b> |
| <b>CITY OF SHARONVILLE, OHIO, et al.</b> | <b>:</b> |                              |
| <b>Defendants.</b>                       | <b>:</b> |                              |

**RESPONSE OF DEFENDANT NUSS TO  
PLAINTIFFS' SUPPLEMENTAL MEMORANDUM IN SUPPORT  
OF MOTION TO QUASH SUBPOENAS TO PLAINTIFFS' FORMER  
ATTORNEY, MOTION FOR PROTECTIVE ORDER,  
AND MOTION FOR SANCTIONS (DOC. 145)**

Plaintiffs state that their "motion remains ripe for decision." That is not accurate. Defendants have the right and intend to file papers opposing the motion. Those papers are not due until May 7, 2004. Until that happens, the motion is not ripe for decision.

Since the Motion For Sanctions against him and his counsel has been withdrawn, Defendant Nuss has only one comment with respect to Plaintiffs' clarification of the facts. While the "clarification" is accurate, it is also materially incomplete in that it deflects attention from the fact that it was inappropriate for Plaintiffs to file the motion in the first place.

Respectfully submitted,

s/Brian E. Hurley

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2004 a copy of the forgoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Brian E. Hurley

Brian E. Hurley

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